

# REQUEST FOR PROPOSAL

## NUMBER 10-44

### THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

*Pursuant to § 4.12.040 M.C.L., this solicitation document serves as the written determination of the Purchasing Agent, that the use of competitive sealed bidding is neither practicable nor advantageous to the Metropolitan Government. Therefore, this solicitation will facilitate the entering into of contract(s) by the competitive sealed proposals process.*

### TIER II CONSTRUCTION PROJECTS HAVING AN ESTIMATED PRICE OF GREATER THAN \$100,000 REQUEST FOR QUALIFICATIONS FOR CONTRACT



***Procurement Staff Contact:***  
***Mike Spore, CPPB***  
***Contract Specialist***

This proposal solicitation document is prepared in a Microsoft Word (Office for Windows) format. Any alterations to this document made by the Offeror may be grounds for rejection of proposal, cancellation of any subsequent award, or any other legal remedies available to the Metropolitan Government.

## NOTICE TO OFFERORS

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There may be one or more amendments to this proposal solicitation. If your company desires to receive copies or notices of any such amendments, you must provide the information requested below to Metro Purchasing. Please send this information to Jan Wiles via fax at (615) 862-6179 or by e-mail at [jan.wiles@nashville.gov](mailto:jan.wiles@nashville.gov). **Metro will send amendments only to those firms which timely complete and return this form via fax or provide the requested information by timely e-mail.**

RFP number        10-44

Company name        \_\_\_\_\_

Mailing address     \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone number        \_\_\_\_\_

Fax number           \_\_\_\_\_

Contact person       \_\_\_\_\_

Email address        \_\_\_\_\_

***Amendments will be published on the BOB page of the Nashville.Gov website (<http://www.nashville.gov/bob/index.asp>) in the Procurement Section. For those suppliers registered under this RFP commodity code number, an email amendment will be sent to the primary contact listed on your Supplier Profile. Update your Supplier Profile if necessary, at: <https://smartrac.nashville.gov/newvendorlogin.aspx>***

***It is solely the Offeror's responsibility to assure receipt of all addenda. Prior to submitting the Response, the Offeror should check the BOB website where all addenda will be posted.***

Emailed amendments will be sent in a Microsoft Word (Office for Windows) format. Any alterations to the document made by the Offeror may be grounds for rejection of proposal, cancellation of any subsequent award, or any other legal remedies available to the Metropolitan Government.

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**Request for Proposals  
RFP Title:**

<b>TIER II CONSTRUCTION PROJECTS HAVING AN ESTIMATED PRICE OF GREATER THAN \$100,000 REQUEST FOR QUALIFICATIONS FOR CONTRACT</b>
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**All Proposals Submitted are Public Record after Award.  
Submission of a proposal is an official waiver of confidentiality statements.**

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**1) Introduction/Overview**

**A. Purpose**

The Metropolitan Government of Nashville and Davidson County (Metro), has issued this (RFP) to obtain responsive proposals from responsible contractors for additional multiple award contracts for **Construction Projects having an estimated dollar value of greater than \$100,000**. Metro intends to add any contracts awarded as a result of this RFP to the “schedule” of Indefinite Quantity/Indefinite Delivery term contracts Metro Departments use to obtain construction projects having a dollar value of greater than \$100,000.

As stated above, any projects performed from a contract resulting from this RFP will have a dollar value of greater than \$100,000. Metro will issue a second and separate RFP to establish contract(s) for **Construction Projects having an estimated dollar of \$100,000 or less**. The contracts for projects having a dollar value of greater than \$100,000 are collectively referred to as the Tier II Contract Schedules. The contracts for projects having a dollar value of \$100,000 or less are collectively referred to as the Tier I Contracts Schedule and is a set aside for small businesses only.

Metro intends to award contracts (only) to the responsible and responsive Offerors whose proposals fall within the competitive range, based on the evaluation factors set forth in this RFP. There is no pre-set minimum or maximum limit on the number of potential contracts Metro may award. The competitive range shall be determined on the basis of the factors listed in this RFP and shall include all proposals that have a reasonable chance of being selected for award. When there is doubt as to whether a proposal is in the competitive range, the proposal should be included.

As stated above, Metro currently has in place eighteen Tier II Construction contracts with companies that responded successfully to past request for proposal. These contracts expire in July and these contractors should respond to this procurement, and if awarded a new contract continue to bid/propose for future projects. The new contracts, if awarded will become effective when the new contracts are stamped in the Clerks office.

Metro anticipates that various types of Construction work will be required under these contracts. Examples of the types of work that may be performed include, but are not limited to new construction projects, remodeling projects, building additions, light to industrial painting, low and high voltage electrical, mechanical work, HVAC, plumbing,

carpentry, flooring projects, brick and masonry work, concrete work, window and door repair and replacements, water and fire damage abatement, asbestos abatement, demolition work, excavation, installation of recreation equipment, and other miscellaneous construction work that may be required by Metro.

Quantities are unknown, but Metro's total estimated annual expenditure for construction work having a value of greater than \$100,000 is \$10,000,000.

The award of a contract by Metro will not entitle a contractor to perform any specific work or job. Instead, when invited or requested by Metro, a contract will entitle a contractor to bid or propose on specific work (jobs) within the scope of its contract.

Further, the award of a contract will not mean or imply that Metro has determined that a contractor is a responsive and responsible bidder, or proposer, for any particular job that the government lets. Metro will make additional, job-specific determinations of responsiveness and responsibility for each award of an individual project.

When Metro awards an individual job, it will make the award by purchase order. The purchase order will reference both the firm's Metro contract and the ITB or RFP or quote, as applicable, for the specific job, the construction methodology used and other factors. Metro may employ any of several construction methodologies for specific jobs, including but not limited to design-build, construction manager and fast-track construction.

Metro will reserve the right to solicit proposals from additional construction contractors for specific job when Metro deems necessary.

The Metropolitan Government's Purchasing Agent reserves the right to reject any and all proposals received in response to this RFP or in response to any ITB or RFP issued to contractors that are awarded contracts as a result of this RFP.

There likely will be cases when one or more of the services included within the scope of this RFP may be required on an emergency or urgent basis. Therefore, Metro will consider in the award of any resulting contracts the capabilities of Offerors to respond immediately when their service or services are required on an emergency or urgent basis.

Metro intends to solicit and receive bids and proposals for jobs and otherwise communicate electronically with prospective contractors. Therefore, all awarded contractors must have the capability to receive and respond to solicitations via the Internet. It is not necessary for a Contractor to own the devices, systems, etc. that it uses to submit bids or proposals electronically, provided that the confidentiality of the bids or proposals is maintained.

The contemplated term for a contract awarded through this RFP is from the date these contracts are stamped in the Metro Clerks office and will continue for five years. In no event shall the term of any such contract exceed five (5) years.

Metro may provide opportunities for additional firms to obtain contracts anytime within the five year period of these contracts. Additional contracts shall terminate in five years from

the date they are stamped in the Clerks Office. Additional Tier II awards may be made by Metro through submittal of a response to this RFP. Metro may accept and evaluate additional proposals on the first working day of each quarter during the calendar year.

**B. Project Location**

Future projects will be identified as departments encounter need for construction with a value in excess of \$100,000 and issued to all Tier II contractors.

**C. Scope of Services**

Offeror must comply with all of the provisions of the **Contractors Licensing Act** of 1976 of the State of Tennessee, the same being set out in Tennessee Code Annotated, 62-6-101 et seq., and Section 62-6-119 as amended by 1997 Tennessee Public Act No. 153. Said Act and amendments are incorporated herein by reference. Offeror must provide evidence of a license in the appropriate classification before the RFP will be considered. The outside of the envelope/box containing the RFP MUST be plainly marked with the following information:

- Metropolitan Project Number
- Offeror's correct name and address
- Offeror's Tennessee Contractor's License Number, its expiration date, and that part of the classification applying to the RFP.

Prior to the opening of the envelope/box, the names of all Offerors listed thereon shall be read aloud at the official Proposal opening and incorporated into the RFP. If the envelope/box is not marked as required, and/or the Offeror does not comply with the Act and amendments, the RFP shall not be opened or considered and shall automatically be disqualified.

The required State license classification for the Project is:

BC

Metro construction projects may directly impact the general public and must be accomplished in a quality and timely manner. Therefore, it is important for Metro to be able to procure such work from qualified contractors who have the integrity and reliability that will assure good faith performance. It is equally important for Metro to procure such work in a manner that maximizes administrative efficiency, minimizes the time required to get the job started and completed, and maximizes economy and value.

At this time, the scope and size of specific jobs to be performed under the contemplated contract are unknown. The number and aggregate dollar value of total jobs to be performed under the contracts is also unknown.

**D. Inquiries**

Direct questions related to this RFP to Mike Spore, CPPB, and submit such questions in writing. Include the RFP number, page, and paragraph number for each question.

If you mail the questions to the Division of Purchases, do not place the RFP number on the outside of the envelope containing questions, as it may be improperly identified as an envelope with a sealed proposal and may not be opened until after the official RFP due date.

Send all questions by email to Mike Spore, CPPB at the Division of Purchases, via email at [mike.spore@nashville.gov](mailto:mike.spore@nashville.gov). Offerors must clearly understand that the only official answer or position of the government will be the one stated in writing by the procurement staff.

**E. Method of Source Selection**

Metro is using the Competitive Sealed Proposals method of source selection, as authorized by Section 4.12.040 of the Metropolitan Procurement Code, for this procurement.

Metro may, as it deems necessary, conduct discussions with **Responsive** and **Responsible** Offeror(s) determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to solicitation requirements.

**F. Pre-Proposal Conference**

A Pre-Proposal Conference will be held on **Wednesday May 27, 2010, at 2:00 P. M., in the University Room** located at **Lindsley Hall, 730 2<sup>nd</sup> Avenue South, Suite 112, Nashville, TN. 37210**. This is Metro Purchasing **NEW location** on the Richard Fulton Campus. Lindsley Hall is the Old Castle looking building and surface parking is available in the rear of the building. Metro urges all prospective offers to attend.

**G. Minimum (general) criteria to be determined “Responsive”**

- Does the proposal submitted conform in all material respects to the solicitation?
- Specific examples include: Was a program (Good Faith Efforts) submitted for minority-owned and/or woman-owned business enterprises (MWBE) to be considered and contacted for future procurements acceptable. Was sufficient documentation provided with the proposal to demonstrate that Good Faith Efforts will be made for future Tier II opportunities?

**H. Minimum (general) criteria to be determined “Responsible”**

- Does the Offeror demonstrate an understanding of Metro’s needs and proposed approach to the project?
- Does the Offeror possess the ability, capacity, skill, and financial resources to provide the service?

- Can the respondent take upon itself the responsibilities set forth in the RFP (and resultant contract) and produce the required outcomes timely?
- Does the Offeror have the character, integrity, reputation, judgment, experience, and efficiency required by the contract?
- Has the Offeror performed satisfactorily in previous contracts of similar size and scope; or, if the Offeror has not performed a contract of similar size and scope, has it (and/or its team members) otherwise demonstrated its capability to perform the contract Metro seeks to establish through this RFP?
- Does the Offeror propose to perform the work at a fair and reasonable cost?

#### **I. Projected Timetable**

The following projected timetable should be used as a working guide for planning purposes. Metro reserves the right to adjust this timetable as required during the course of the RFP process.

<b><u>Event</u></b>	<b><u>Date</u></b>
RFP Issued	May 19, 2010
Deadline for submittal of questions	June 2, 2010
Pre-Proposal Conference	May 27, 2010
Proposals due	June 11, 2010
Procurement Nondiscrimination Program Review	ASAP
Complete Review & Execute Contract	ASAP

#### **2) Constraints on the Contractor**

Offeror(s) shall meet Metro's licensing requirements in accordance with State Law as amended. Offeror(s) with a business location outside the state of Tennessee shall additionally meet the applicable local licensing requirements.

To be considered, all Offeror(s) must be current on all business and property taxes.

- **Specifications and Standards:** Projects for the Department of Public Works must be built to TDOT specifications and Public Works' standard drawings. All future projects will have documents required for that particular project.
- **Coordination with Utility Companies:** Contractors must coordinate with utilities in order to assure efficient, effective, and cost effective project completion, and to minimize adverse impact on business and the general public.
- **Security Requirements:** If and when work is done at locations such as the Criminal Justice Center, Juvenile Justice Center, Emergency Communication Center, Metro Courts Metro Water Services facilities and others, Contractor's personnel may be subject to searches or other required security measures such as back-ground checks.
- **Mobilization and Demobilization Charges:** During the performance of this proposed contract, these type charges will not be allowed, unless the need is an emergency



and/or prior approval is provided in writing, in advance by the appropriate Metro department representative.

- **Operational Needs of the Departments:** In order to avoid disruption of work and other undesirable or unacceptable consequences, Contractors must plan, schedule, and provide services in such a way as to conform to the operational needs of Metro.
- **Safety and the Environment:** Without exception, the contractor and subcontractors must comply with all local, state, and federal regulations regarding these matters during the performance of this contract.
- **Drug-Free Workplace:** Proposers must comply with all provisions of the Tennessee Code Annotated 50-9-113, enacted by the General Assembly, and become effective January 1, 2001. Said Code is attached and incorporated herein by reference. The affidavit must be submitted with each proposal.
- **Bidding/Proposing Time Parameters:** Contractors generally will be given seven (7) days to submit a bid or proposal on an individual job. Metro will seek to make an award within two (2) days after the receipt of quotes, bids, or proposals.
- **No Requirement to Bid on All Jobs:** Contractors are not required to bid on all jobs. But, it is the intent to award and monitor contracts only to those contractors who will submit bids, proposals and quotes for future projects. If your company is awarded a contract from this procurement and does not submit bids for any three series of projects you state in your proposal you are capable of competing for, Metro at its option may cancel your contract.

Future procurements for specific projects may specify additional constraints for those projects.

### 3) **Minimum Qualification Requirements**

Metro is seeking to procure a qualified and experienced team. The Offeror must possess a minimum of one (1) year(s) experience under its current business name. The Offeror must have a proven record of successfully completing projects.

Each firm interested in responding to this RFP must provide information on the firm's qualifications and experience, qualifications of the project team, members and staff, Project Manager's experience, and previous work of similar size, scope, and complexity.

### 4) **Contractor Personnel Requirements**

When work is done on level-of-effort basis, each contract technician and/or laborer working on an hourly basis under this proposed contract arrangement must check in and check out with the appropriate Metro representative when arriving and leaving each applicable Metro project site. The allowable time for hourly compensation to the contractor starts when the worker checks in, and ends when the contractor checks out with the designated Metro departmental representative. Accordingly, a daily job/service ticket should be left with Metro personnel upon leaving the job site. This

document will be fully completed and will include the arrival and departure time of the contract worker.

Metro Government has numerous types of plumbing and mechanical components throughout the Metro area. Therefore, only qualified contract employees will be allowed to modify, disconnect, relocate, or make changes to these components while performing the various Plumbing repairs and replacement requirements.

ITBs and RFPs for specific project may specify additional contractor personnel requirements.

#### **5) Americans with Disabilities Act (“ADA”)**

The offeror will ensure that participants with disabilities will have communication access that is equally effective as that provided to people without disabilities. Information shall be made available in accessible formats and auxiliary aids and services shall be provided upon the reasonable request of a qualified person with a disability. If a public kiosk was used, it would be required to be accessible, with a screen reader for the blind and voice activation for individuals with manual dexterity issues.

The Contractor shall assure to Metro, if an award is made, that all services provided through this contract shall be completed in full compliance with the Americans with Disabilities Act (“ADA”) and Architectural and Transportation Barriers Compliance Board, Federal Register 36 CFR Parts 1190 and 1191, Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines; proposed rule, published in the Federal Register on July 23, 2004, as has been adopted by Metro.

#### **6) Contractor Responsibilities**

- Comply with all contract requirements, including those in the purchase order for specific jobs.
- Perform required tasks, and produce timely outcomes of the required quality in an efficient and cost effective manner.
- Employees should be in uniform with company logo displayed and have appropriate form of identification.
- Furnish through its workforce, or sub-workforce, the appropriate and necessary supervision, labor, tools, equipment, machinery, materials, supplies, and other services, including any relevant licenses or patent rights, necessary to perform the services contemplated by this RFP. The requirements of these proposed contracts shall include the furnishing of all construction equipment and machinery, transportation, insurance, bonds, taxes, superintendence, coordination and miscellaneous services required for the construction and completion of the specific work scopes requested by the various Metro departments and/or designated Architectural / Engineering consultants, whether temporary or permanent and whether or not incorporated or to be incorporated into the work scope.
- Maintain a clear line of communication with Metro.

- Work with Metro to avoid problems, and when that is not possible, to resolve problems promptly and at the lowest possible level.
- For audit purposes and upon request by Metro, furnish Metro with all certified copies of payroll records, including employees' names, craft, hours worked and rate paid. (These payroll records must be properly maintained for four (4) years from each contract's completion date, and these records must be made available to Metro for inspection at any time, during the contract's performance period.)
- Maintain project records of expenditures, deliverables, and progress.
- Fulfill the commitments, if any, it makes, and Metro accepts, for small business participation in each awarded job.
- Provide small business/DBE participation reports for each project to the Division of Purchases, as required by the Business Assistance Office.
- Provide, on schedule, any and all reports required by Metro.
- Notify the appropriate representative in Metro Purchasing within five days of the failure of the customer department to pay on a timely basis any invoice Contractor has submitted.
- Pay all small business subcontractors and suppliers within 14 days of receipt of Metro's payment of contractor's invoice, except where it can demonstrate to Metro Purchasing satisfaction that there is a reason why such payment should not be paid.
- "Self-Report" to Metro Purchasing immediately any instance where it believes there is cause for paying a subcontractor or supplier later than the 14 days referenced above.
- Enter into written agreements with subcontractors and material suppliers, and provide such written agreements to Metro upon request.
- Comply with the Prevailing Wage provisions in the Metro Code of Laws, while performing work during construction projects.
- Comply with all applicable local, state, and federal laws, rules, regulations, and other legal requirements, including those regarding licenses and permits, safety and the environment, and the legal disposal of hazardous and potentially hazardous materials.
- Complete a Metro Government Bidder/Vendor Application if one is not already on file.
- Comply with all local, state, and federal regulations governing proper installations of new Plumbing or repairs of existing Plumbing.
- Secure all permits and approvals from the federal, state and local governments, in the name of the Contractor, necessary for the performance of the required services.
- Provide access for all Metro personnel and representatives to any and all sites where operational services are produced or supported.
- Provide a standard 12-month warranty on parts and labor on all new installations. In addition to the standard warranty, many manufacturers provide extended warranties for various components in excess of one year; such as, pumps, valves, etc., and the contractor will also be required to provide these warranties to Metro at no additional cost, prior to release of final payment(s).
- Provide reports of all items installed during the contract period to applicable departments. The contractor shall be responsible for accomplishing all warranty repairs during the contract period, and after the contract period has expired, if the warranty is still in force.
- Perform cutting and patching tasks, when required, without damaging the structure by providing applicable shoring, bracing, and support as required to maintain structural integrity and protection from the elements of Metro property.

- Perform all Plumbing projects in accordance with current and applicable business standards published by American Standards Organizations, (AAMA-Architectural aluminum Manufacturers Association, AIA-American Institute of Architects, and etc.).
- Maintain safe working conditions by installing, operating, maintaining, and protecting temporary facilities in a manner that will be safe, non-hazardous, sanitary, and protective of persons and property. Failure to maintain safe site conditions may result in termination of a project award. Repeat offenders may be subject to termination of this contract.
- Execute daily cleaning procedures during construction to ensure that buildings, grounds, and public properties are maintained free from accumulations of waste materials and rubbish, and dust control is provided.
- Provide an Internet email address to which Metro can send requests for quotation, invitations to bid, and requests for proposals.

### **Unauthorized Work**

The Successful Offeror(s) shall not begin work until Metro issues a Notice to Proceed (Purchase Order). Such Notice to Proceed (Purchase Order) shall constitute Metro's authorization to begin work. Any unauthorized work performed by the Successful Offeror(s) shall be deemed non-compensable by Metro and the Offeror will have no recourse against Metro for performing unauthorized work.

### **7) Metro's Right to Inspect**

Metro shall have the immediate and complete right to inspect any facility or project site where the services performed under the resultant contract are performed.

### **8) Terms and Conditions of Contract**

A contract resulting from this RFP shall be subject to the terms and conditions set forth in the attached Contract.

### **9) Procurement Nondiscrimination Program Requirements**

The following is a requirement for responsiveness for future Tier II procurements. However, a plan for facilitating this requirement is also a requirement for this proposal

**The following is a requirement for responsiveness for future procurements to proposers awarded contracts from this RFP. However, the offer must submit a Diversity plan for facilitating this program as a requirement of this procurement. Each future procurement response will require the following:**

#### **A. The consideration and contact of minority-owned and/or woman-owned business enterprises (MWBE) with a significant presence in the Nashville MSA is required for a *Responsive* offer**

Metro's Business Assistance Office (BAO) will provide a listing of known Metro registered and certified MWBE firms. You are encouraged to reach out and develop additional MWBE firms for inclusion in your offer but they must be registered online with Metro prior to the proposal time and date. Certification is required by the time of the proposal due date.

**B. The provision of the following items as part of the proposal package is a minimum requirement for a responsive proposal**

**Covenant of Nondiscrimination**

Your firm has committed to the Covenant of Nondiscrimination when registering with Metro to do business. To review this document, go to [Nashville.gov](http://Nashville.gov) and visit the Procurement or Business Assistance web pages (it is NOT necessary to resubmit this with each proposal).

**Statement of Interested, Notified, Bid Amount, and Successful MWBEs Selected.**

Each Offeror must provide the enclosed form indicating that the Offeror has delivered written notice to at least three (3) available MWBEs if use of MWBEs is reasonable and if BAO can provide at least three MWBEs for the applicable category. The interested, notified, successful, and unsuccessful bid prices are one of the several required responses on the form.

**Letter of Intent to Perform as a Subcontractor/Joint Venture.**

In the event that an Offeror submits the use subcontractors, suppliers, and/or joint ventures, a letter of intent signed by both the subcontractor/supplier/joint venturer must be submitted to Procurement by the end of the second business day following issuance of the intent to award letter.

**Registration and Certification.**

To be considered for the purpose of being Responsive, the subcontractor, supplier and/or joint venturer must be registered online with Metro by the proposal due date. Certification is required by the time of the proposal due date.

***These requirements will be present for future Tier II procurements***

**C. Assistance in Locating an Minority-Owned or Woman Owned Businesses**

Offerors who desire assistance in locating potential MWBE subcontractors and suppliers are encouraged to contact Michelle Lane by email at [michelle.lane@nashville.gov](mailto:michelle.lane@nashville.gov) or call Michelle at 615-862-5471.

**10) Assistance to Small Businesses as Subcontractors and Suppliers**

Committed levels of small business participation will be evaluated and granted points as a component of future Tier II procurements.

**A. Incentive for Small Business Participation**

Metro provides an incentive to Offerors to maximize the usage of small businesses in the performance of the contract. In the evaluation of proposals, Metro rewards Offerors for committing to use small businesses as subcontractors by considering the minimum percentage of total contract dollars of committed small business subcontractor participation. In addition, if the

Offeror is a small business, Metro rewards the Offeror for the amount of work it commits to self perform.

**B. Assistance in Locating Small Businesses**

Offerors who desire assistance in locating potential small business subcontractors and suppliers are encouraged to contact Michelle Lane by email at michelle.lane@nashville.gov or call Michelle at 615-862-5471.

**C. Definition of Small Business**

A “small business” means a United States business which is independently owned and operated and which is not dominant in its field of operation or an affiliate or subsidiary of a business dominant in its field. In addition, in order to qualify as a small business for purposes of this RFP, a business must meet the standards set forth in Metro’s Small Business Standards included as an Attachment to this RFP.

**D. Documentation Requirements**

Offeror must complete the *List of Proposed Small Businesses* Exhibit to this RFP and submit the Exhibit with the Proposal to make a commitment to use subcontractors that claim small business status. Changes to the list of proposed small businesses must be submitted in writing and approved in advance by Metro. Offeror must confirm that any small businesses to be included in its proposal meet the small business standards set forth by Metro. Offeror shall likewise notify its proposed small businesses that Metro requires 1) that the subcontractor be registered to do business with Metro, and 2) have been approved as a small business through the submission to Metro of documentation to confirm small business status including a copy of their two most recently submitted business tax returns as well as IRS form 941-Employer's Quarterly federal tax return. This information will be reviewed by Metro and used to confirm the small business status. Small business status must be approved by Metro **prior** to proposal submission. ***While Metro commits to having documents reviewed and status granted as quickly as possible after the receipt of the necessary documentation, documents should be submitted no later than four days before the bid/proposal is due to allow time for status to be granted.***

**E. Progress Payments to the Contractor**

As a condition of progress payments to the Contractor, Metro will require that Contractor submit evidence of participation of and Contractor’s payment to all small businesses participating in any resultant Contract. This evidence shall be submitted with each invoice and shall include copies of subcontracts, subcontractors’ applications for payment, subcontractors’ certified payrolls, and proof of payment to small business subcontractors; and purchase orders, Invoices, and proof of payment to small business suppliers.

**F. Metro Remedies for Misrepresentation**

If, during the course of the Contract, Contractor fails to maintain the level of small business participation committed to in the Contractor’s Proposal, or if any

material representation made in Contractor's proposal concerning the small business status of any Subcontractor or Contractor's involvement in the ownership, operation or management of any subcontractor claiming status as a small business is shown to be false. Metro may, at its sole option and in addition to any other remedies available under the Contract, at law or in equity, terminate the Contract. Further, in the event that Metro terminates the contract, the Contractor shall pay Metro's full reprourement costs, including, without limitation, any costs associated with reprourement delays. Metro will institute debarment proceedings against any Offeror that misrepresents in a proposal any material fact concerning the small business status of itself or any subcontractor or Offeror's involvement in the ownership, operation, or management of any subcontractor claiming status as a small business. In addition, Metro may, at its sole discretion, assess a charge representing the cost of all audit and legal time and expense incurred by Metro as a result of the Contractor's failure to maintain the level of small business participation committed to in the Contractor's proposal.

## **11) Instructions for Proposal**

### **A. Compliance with the RFP**

Proposals must be in strict compliance with this Request for Proposals. Failure to comply with all provisions of the RFP may result in disqualification. **PLEASE READ THE ENTIRE SOLICITATION BEFORE SUBMITTING A RESPONSE.**

Requests for additional information or clarifications by potential Offerors must be made in writing by the date established in the aforementioned timetable. Offerors may email requests for additional information or clarifications as instructed in previous "Inquires" section. Late or undelivered requests will not receive a reply.

Prior to the Proposal Due Date, responses to inquiries and all RFP amendments Metro deems necessary will be issued and published on the BOB page on the Procurement portion of the Nashville.Gov web pages. Offerors should not rely on any representations, statements, or explanations other than those made in any written addendum to this RFP. Where there appears to be a conflict between the RFP and any addenda issued, the last addendum issued shall prevail.

Addendum(s) will be made available on the BOB page and it is solely the Offeror's responsibility to assure receipt of all addenda. Prior to submitting the Response, the Offeror should check the BOB website where all addenda will be posted.

### **B. Acknowledgment of Insurance Requirements**

By signing its proposal, Offeror acknowledges that it has read and understands the insurance requirements for the proposal. Offeror also understands that the evidence of required insurance must be submitted within fifteen (15) working days following notification of its offer being accepted; otherwise, Metro may

rescind its acceptance of the Offeror's proposal. The insurance requirements are detailed in the attached contract.

**C. Delivery of Proposals**

All proposals are to be delivered before **Friday June 11, 2010 at 3:00 PM**, Nashville local time on to:

***Metropolitan Government of Nashville and Davidson County  
Procurement Division  
Mike Spore, CPPB, Contract Specialist  
730 2<sup>nd</sup> Avenue South, Suite 112  
Nashville, TN. 37210***

Note: This is Metro Purchasing Departments new location at the Richard Fulton Complex.

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**Metro WILL NOT accept any proposals received after 3:00 P.M. local time or delivered to a location other than what is listed above. Late or incorrectly delivered proposals will be returned to the Offeror at their expense or destroyed after 30 days.**

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Offerors must **submit one (1) original**, and **three (3) exact duplicate, numbered copies** of the proposal response and **one (1)** electronic copy of the complete proposal response including any attachments, on a WINDOWS PC compatible CD.

List the Proposal Number on the outside of the box or envelope and note, "Request for Proposal enclosed".

**D. Evaluation of Proposals (Procedure)**

**Responsive and Responsible for Initial Qualifications**

Metro will first examine proposals to eliminate those, which are clearly non-responsive to the stated requirements. Therefore, Offerors should exercise particular care in reviewing the Proposal Format required for this RFP.

**Qualifications**

The evaluation committee will score all responsive and responsible proposals based upon the evaluation criteria detailed herein for this RFP.

The Office of Minority and Women Business Assistance (BAO) will work with those Offerors to ensure effort was made to satisfy the Procurement Nondiscrimination Program requirements for future Tier II procurements. However, after limited engagement, if a firm fails to demonstrate effort to achieve this requirement, the BAO will request of the Purchasing Agent that the proposal be determined non-responsive.

Offerors who are determined to be non-responsive and/or non-responsible will be notified of this determination. The remaining Offerors will also be notified.



## **Selection Process**

If at any time during the evaluation process it is determined that a proposal is non-responsive or non-responsible, that proposal will be removed from consideration for award and all Offerors notified of this decision.

Metro reserves the right to contact any and all references to obtain, without limitation, information regarding the Offeror's performance on previous projects. A uniform sample of references will be checked for each short-listed offeror.

The Metro Purchasing Agent reserves the right to withdraw this RFP at any time, for any reason, and to issue such clarifications, modifications, and/or amendments, as deemed appropriate.

Receipt of a proposal by the Metro Procurement Division or a submission of a proposal to the Metro Procurement Division offers no rights upon the Offeror nor obligates the Metropolitan Government of Nashville-Davidson County in any manner.

The Purchasing Agent reserves the right to waive minor irregularities in proposals, provided that such action is in the best interest of Metro. Any such waiver shall not modify any remaining RFP requirements or excuse the Offeror from full compliance with the RFP specifications and other contract requirements if the Offeror is awarded the Contract.

### **E. Ambiguity, Conflict, or Other Errors in the RFP**

If an Offeror discovers any ambiguity, conflict, discrepancy, omission, or other error in the Request for Proposal, it shall immediately notify the Metro Procurement Division such error in writing and request modification or clarification of the document. The Procurement Division will make modifications by issuing a written revision and will give written notice to all parties who have received this RFP from the Metro Procurement Division.

The Offeror is responsible for clarifying any ambiguity, conflict, discrepancy, omission, or other error in the Request for Proposals prior to submitting the proposal or it shall be waived.

### **F. Proposals and Presentation Costs**

Metro will not be liable in any way for any costs incurred by any Offeror in the preparation of its proposal in response to this RFP, nor for the presentation of its proposal and/or participation in any discussions or negotiations.

### **G. Rejection of Proposals**

The Purchasing Agent reserves the right to accept or reject in whole or in part, any or all proposals submitted. The Purchasing Agent shall reject the proposal

of any Offeror that is determined to be non-responsive. The unreasonable failure of an Offeror to promptly supply information in connection with respect to responsibility may be grounds for a determination of non-responsibility.

**H. Acceptance of Proposals**

The Purchasing Agent shall accept all proposals that are submitted properly. However, the Purchasing Agent, or designee, reserves the right to request clarifications or corrections to proposals.

**I. Requests for Clarification of Proposals**

Requests by the Evaluation Committee for clarification of proposals shall be distributed by the Procurement Staff in writing (or email).

**J. Validity of Proposals**

By submitting a Response, the Offerors agree to be bound to and execute the Contract. Without diminishing the foregoing, the Offeror may request clarification and submit comments concerning the Contract for Metro's consideration. None of the foregoing shall preclude Metro, at its option, from seeking to negotiate changes to the Contract during the negotiation process. Such changes to the contract will be managed by the Division of Purchases and reflected in the contract document.

**12) Evaluation Criteria**

**A. Proposal Evaluation Committee**

A committee appointed by the Metropolitan Government Purchasing Agent will evaluate proposals. Other agencies and consultants of the Government also may examine documents. The committee will make recommendation(s) to the Purchasing Agent to consider.

**B. Response Format**

The information listed below shall be submitted with each proposal and should be submitted in the order shown. Each section should be clearly labeled, with pages numbered and separated by tabs. Failure by an offeror to include all listed items may result in the rejection of its proposal.

**C. Evaluation Criteria (Factors)**

The factors to be considered in this Request for Proposal are listed below. While Metro believes all these items to be of importance, their relative weight is indicated by the points each evaluation criteria could receive. Within each evaluation criteria, subsets of the criterion may be defined to clarify the point distribution for that evaluation criterion. Award(s) will be made to the responsible offeror whose proposal is determined to be the most advantageous to the Metropolitan Government of Nashville and Davidson County. No other factors or criteria will be used in the evaluation.

- **Tab I, Experience and Qualifications**

Offeror shall provide the following information as separate sections under this category. Each section is to be identified by the corresponding letter for the section and the sections are to be submitted in the same order as that shown below:

- 1. Proposal Letter**

**This is a requirement, not an evaluation criterion receiving points.**

Offeror shall complete and submit **Form RFP-101** Request for Proposals Cover Letter for this section of the Response.

- 2. Narrative**

**Total points available for this criterion are 5 points.**

Narrative is to explain the specific reasons why the Offeror is the most qualified and best choice to be awarded this Project. Offeror shall use **Form RFP-102** Proposal Narrative.

- 3. Qualifications of the Offeror**

**Total points available for this criterion are 25 points.**

Firm shall complete and submit the following forms for this section of its Response:

- Form RFP-103** Qualifications of Offeror
- Form RFP-104** Qualifications of Principal-In-Charge Resume for the principal-in-charge of this Project for the Offeror.
- Form RFP-105** Table of Organization of the Offeror, including names & titles
- Form RFP-106** Offeror's Firm Workload Capacity
- Form RFP-107** Offeror's Key Personnel Workload Capacity

- 4. Qualifications of Project Manager, Superintendent, and Architect**

**Total points available for this criterion are 20 points.**

Firm shall complete and submit the following forms for this section of its Response:

- Form RFP-108** Offeror's Project Manager.
- Form RFP-109** Offeror's Project Manager Resume, which reflects their relevant expertise and experience.
- Form RFP-110** Offeror's Project Superintendent.
- Form RFP-111** Offeror's Project Superintendent Resume, which reflects their relevant expertise and experience.
- Form RFP-112** Qualifications of Offeror's Architect.
- Form RFP-113** Offeror's Project Architect Resume, which reflects their relevant expertise and experience.

- 5. Qualifications of the Team**

**Total points available for this criterion are 20 points.**

- Form RFP-114** Qualifications of Offeror's Team
- Form RFP-115** Offeror's Team Key Personnel Workload Capacity

- c. A one page resume shall be included for each of the key personnel's technical qualifications, number of years working for the Offeror (indicate if they are an employee, subconsultant or subcontractor), the number of years working in the position identified for this project, project experience that reflects the experience in projects of a similar size, scope, and complexity and experience with design-build contractors.
- d. **Form RFP-116** Offeror's Team Resumes, one per position.
- e. **Form RFP-117** Offeror's Team Organizational Chart of the Project Team indicating key personnel and their relationships (interrelationships, and interactions).
- f. **Form RFP-118** Offeror's Experience as a Team. Provide a maximum of a one page listing per project with a maximum of five projects submitted, where Key Personnel have worked together previously on projects of a similar size, scope, (defined as Contractor and Architect at a minimum) and complexity and identify who worked together. Identify the project(s), the names of the personnel, their title, their role in the project, and if the work was performed while working with or for another firm. Include the project description(s) and a brief description of the scope.
  - i. For each project, include both the proposed cost and final cost of the project with an explanation for the variance.
  - ii. For each project, include both the proposed scheduled project duration and the final project duration with an explanation for the variance.
  - iii. Provide a client contact (current phone number and email address) for each project listed above.

**6. *Project Experience:***

**Total points available for this criterion are 15 points.**

Offeror shall complete and submit **Form RFP-119** Project Experience for this section of its Response. Separate forms must be submitted for each Project submitted. Offerors are only to submit three (3) prior projects, which must be of a similar size, scope, and complexity.

**7. *Firms' Financial Health:***

**Total points available for this criterion are 5 points.**

Address your firm's financial health to completely perform the contract. Identify any areas of concern or limitations that Metro should consider. Submit information on **Form RFP-120** Offeror's Financial Health.

**8. *Firms' Diversity Plan & History for the inclusion of Small, Minority-Owned & Woman-Owned Business Enterprises:***

**Total points available for this criterion are 5 points.**

Detail your firm's and your proposed subcontracting teams' plans firms' diversity programs (assuming they exist). What are the practices for the inclusion of small, minority-owned and woman-owned businesses?

Claims of participation levels should be supported with details indicating the presence of diversity plans and the accomplishments. One page is provided for your response. Submit your plan on **Form RFP-121** Offeror's Diversity Plan & History for the inclusion of Small, Minority-Owned & Woman-Owned Business Enterprises.

9. Affidavits and ACH form. Include the following affidavits here.

## **ETHICAL STANDARDS AFFIDAVIT**

**State of** \_\_\_\_\_

**County of** \_\_\_\_\_

*As used herein, "Offeror" will include bidders and proposers.*

**Compliance with Laws:** After first being duly sworn according to law, the undersigned (Affiant) states that he/she is the \_\_\_\_\_ (Title) of \_\_\_\_\_ (Offeror), and that Offeror is presently in compliance with, and will continue to maintain compliance with, all applicable laws. Thus, Affiant states that Offeror has all applicable licenses, including business licenses, copies of which are attached hereto. Finally, Affiant states that Offeror is current on its payment of all applicable gross receipt taxes and personal property taxes.

**Contingent Fees:** In accordance with the Metropolitan Government's 1992 Procurement Code, it is a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a Metropolitan Government contract upon an agreement or understanding for a contingent commission, percentage, or brokerage fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business. After first being duly sworn according to law, the undersigned (Affiant) states that the Offeror has not retained anyone in violation of the foregoing.

**Non-Discrimination:** After first being duly sworn according to law, the undersigned (Affiant) states that by its employment policy, standards, and practices the Offeror does not subscribe to any personnel policy which permits or allows for the promotion, demotion, employment, dismissal, or laying off of any individual due to his/her race, creed, color, national origin, age, or sex, and that the Offeror is not in violation of and will not violate any applicable laws concerning the employment of individuals with disabilities.

It is the policy of the Metropolitan Government not to discriminate on the basis of age, race, sex, color, national origin, or disability in its hiring and employment practices, or in admission to, access to, or operation of its programs, services, and activities. With regard to all aspects of its contract with the Metropolitan Government, Offeror certifies and warrants it will comply with this policy.

**And Further Affiant sayeth not:**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Sworn to and subscribed before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

## DRUG-FREE WORKPLACE AFFIDAVIT

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

The undersigned, principal officer of \_\_\_\_\_, an employer of five (5) or more employees contracting with the Metropolitan Government of Nashville and Davidson County to provide construction services, hereby states under oath as follows:

1. The undersigned is a principal officer of \_\_\_\_\_ (hereinafter referred to as the "Company"), and is duly authorized to execute this Affidavit on behalf of the Company.
2. The Company submits this Affidavit pursuant to T.C.A. 50-9-114, which requires each employer with no less than five (5) employees receiving pay who contracts with the state or any local government to provide construction services to submit an affidavit stating that such employer has a drug-free workplace program that complies with Title 50, Chapter 9, of the *Tennessee Code Annotated*.
3. The Company is in compliance with T.C.A. 50-9-114.
4. After first being duly sworn according to law, the undersigned (Affiant) states that he/she is the \_\_\_\_\_ (Offeror) and that by its employment policy, standards and practices it operates a drug-free workplace program or other drug or alcohol testing program similar, but no less stringent than the Drug-Free Workplace policy of the Metropolitan Government.

Further affiant saith not.

\_\_\_\_\_  
Principal Officer

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

Before me personally appeared \_\_\_\_\_, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person executed the foregoing affidavit for the purposes therein contained.

Witness my hand and seal at office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

# ACH Form for Electronic Payment

*This Exhibit must be completed by the CONTRACTOR to facilitate payment of services.*

**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY  
DEPARTMENT OF FINANCE  
TREASURY DIVISION  
ACH (AUTOMATED CLEARING HOUSE) CREDITS**

**Company Name:** \_\_\_\_\_

**Federal Tax ID Number or Social Security Number** (under which you are doing business with Metro)

I (We) hereby authorize the Treasurer of the Metropolitan Government of Nashville and Davidson County, hereafter called METRO TREASURER, to initiate credit entries to my (our) *(select type of account)*  
☐ CHECKING or ☐ SAVINGS account indicated below and the depository named below, hereinafter called DEPOSITORY, to credit the same to such account.

This authority is to remain in full force and effect until METRO TREASURER has received written notification from me (or either of us) of its termination in such time and in such manner as to afford METRO TREASURER and DEPOSITORY a reasonable opportunity to act on it.

Many banking institutions use different numbers for ACH. Please call your bank for verification of ACH transit and account number.

Bank Official contacted: \_\_\_\_\_ Phone \_\_\_\_\_

DEPOSITORY/BANK NAME \_\_\_\_\_ BRANCH \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_

ACH TRANSIT/ABA NO. \_\_\_\_\_ ACCOUNT NO. \_\_\_\_\_

NAME(S) \_\_\_\_\_

(Please print names of authorized account signatory)

SIGNED \_\_\_\_\_ DATE \_\_\_\_\_

SIGNED \_\_\_\_\_ DATE \_\_\_\_\_

Phone \_\_\_\_\_